

25 FEB 1969

MEMORANDUM FOR: Deputy Director of Personnel

SUBJECT : Residence for Travel Purposes

1. Per our recent conversation, I am forwarding herewith a copy of OGC 67-1240 which indicates the Agency is free by administrative decision to apply legal residence (domicile) or physical residence within the meaning of P. L. 110 which authorizes shipment of effects of an overseas resignee to "residence at time of appointment." OGC also concurred in the Task Force report which defines "permanent place of residence" in Proposal 4 (overseas resignees).


STATINTL
2. There is attached a copy of FAM 125.9 which is State's regulation providing for the payment of the travel and transportation costs of resignees and retirees to their designated place of residence in the United States. With regard to DDP's recent reaction to the proposed revision of [REDACTED] Travel, please note that State uses constructive costs to the nearest port of entry in the United States only for resignees and retirees who have no designated place of residence. Since the proposed [REDACTED] more nearly conforms to the State system than what I understand to be the position of the Clandestine Services, we should keep in mind that adoption of the DDP position would serve to create a distinction between the travel rights [REDACTED] If an examination of the actual comments of the Clandestine Services bears out this observation, we should consider a tightening up of administrative procedures to avoid frequent last minute changes of an employee's permanent place of residence immediately preceding separation as an alternative to the DDP proposal.

STATINTL
3. As mentioned the other day, the Army and Navy authorize travel from overseas for retirement or separation to "place of actual residence at time of overseas assignment or transfer." The Army defines place of actual residence as a fixed or permanent residence where dependents and effects maintained at time of assignment or transfer (not necessarily place of employment or temporary address on SF 57). Factors include property, length of residence, voting registration, place taxes paid, etc. Desire of employee to establish different residence will not be considered a basis for designating actual place of residence. When appointees ^{designed} new point of hire or duty station different from actual residence, both will be specified in agreement.

4. In reviewing the various options available for defining residence for travel purposes, Mr. Echols and later on the Task Force chose the phrase "permanent place of residence" as better terminology than actual place of residence, domicile or legal residence, designated place of residence, home, place of residence at time of appointment, etc. All of these terms were deemed to have certain limitations, have certain associations in the minds of different people and to some extent have been the bases for confusion or varying interpretations. We wanted to

define within the regulations a new term, free of any previous involvement, which could be used more or less as a standard. In essence, adoption of the definition permanent place of residence would entail the designation by an employee at the time of his appointment and each time he went overseas an address to be used for determining return travel rights and certain other purposes as stipulated in Agency regulations. As precisely defined in Proposal 4 of the Task Force, permanent place of residence would normally mean fixed or permanent abode at the time of designation but the definition would allow the employee to justify and receive administrative approval of some other place as his permanent place of residence. Examples might include the designation of a place other than where an employee had been residing in an apartment or room or an intended move by an employee from Maryland to Virginia after having sold his property in the former.

SIGNED


Deputy Chief, Plans and Analysis Division
Office of Personnel

STATINTL

Atts

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STATINTL OP/PAD/ dmm (25 February 1969)